

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See Privacy Act Statement before completing this form.

AGENCY

CHARGE NUMBER

☒ FEPA☐ EEOC

532-2006-00163

~~CHARGE OF DISCRIMINATION~~ EEOC ONLY

NAME (INDICATE MR., MS, MRS.)

Jerry Elie, on behalf of himself and all others similarly situated

HOME TELEPHONE (INCLUDE AREA CODE)

330-836-1478

STREET ADDRESS

851 Packard Drive

CITY, STATE, ZIP CODE, AND COUNTY

Akron, Ohio 44320

DATE OF BIRTH

9/10/54

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW.)

NAME

City of Akron

NUMBER OF EMPLOYEES

500+

TELEPHONE (INCLUDE AREA CODE)

330-375-2030

STREET ADDRESS

c/o Max Rothal, Law Director 161 S. High Street, Suite 202 Akron, Ohio 44308

CITY, STATE AND ZIP CODE

COUNTY

Summit

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☒ AGE ☐ DISABILITY ☐ OTHER (SPECIFY)DATE DISCRIMINATION TOOK PLACE
EARLIEST(ADE/FEPA) LATEST(ALL)

April 4, 2005

☐ CONTINUING ACTION

THE PARTICULARS ARE (IF ADDITIONAL SPACE IS NEEDED, ATTACH EXTRA SHEET(S):

I am an African-American male and I believe I have been discriminated against (disparate impact and disparate treatment) because of the following:

- 1) I am currently employed at the City of Akron Division of Fire at the rank of Firefighter/Medic;
- 2) In December 2004, the City of Akron administered promotional examinations for the rank of Lieutenant and Captain in the Division of Fire;
- 3) I registered and participated in the Lieutenant's promotional examination process;
- 4) The Lieutenant promotional examinations consisted of 2 parts: i) a written job knowledge portion, which was objective and a memo, and ii) an oral assessment exercise;
- 5) The written job knowledge portion of the examination for Lieutenant was not representative of the duties of either the Lieutenant position because it omitted the most critical aspects of being an officer in the Division of Fire as there were virtually no questions relating to the Division's Rules and Regulations;
- 6) The assessors were also engaging in role play as part of the oral assessment exercises;
- 7) We were advised prior to the examination that we were to be allowed a specified amount preparation time for the individual oral assessment exercises after we received the testing materials, but this time actually varied widely for each participant
- 8) Some participants had an additional 20-30 minutes of preparation time prior to actually taking the oral assessment exercises while others, like myself, had no additional preparation time at all;
- 9) The wide variation in preparation time was due to the manner in which the oral assessment exercises were administered;
- 10) There are other issues relating to the preparation, administration and scoring of the promotional examinations that are irregular or questionable;
- 11) After the examination, it was not possible for any participant to appeal the results of their oral assessment exercises as there were not any recordings from which to compare responses to a baseline;
- 12) From the Lieutenant's eligibility list, only 3 African-Americans have been promoted out of 20 total promotions to date;
- 13) The test results for both ranks are also skewed in favor of younger firefighters.

☒ I ALSO WANT THIS CHARGE FILED WITH THE EEOC. I WILL ADVISE THE AGENCIES IF I CHANGE MY ADDRESS OR TELEPHONE NUMBER AND I WILL COOPERATE FULLY WITH THEM IN THE PROCESSING OF MY CHARGE IN ACCORDANCE WITH THEIR PROCEDURE.

NOTARY (When necessary for State and Local Requirements)

I SWEAR OR AFFIRM THAT I HAVE READ THE ABOVE CHARGE AND THAT IT IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(DAY, MONTH, YEAR)

CHARGING PARTY SIGNATURE

OCRC Representative